



3/9/09

(4)

**TOWN OF ACTON**

472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9612  
Fax (978) 264-9630

**Steven L. Ledoux**  
**Town Manager**

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Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on February 12 and 19, 2009.

Please send the bill to: Wetherbee Plaza, LLC  
6 Procter Street  
Acton, MA 01720  
978-263-2000

Please send proof copy and tear sheet to:

Town Manager's Office  
472 Main Street  
Acton, MA 01720  
Fax # 978-264-9630

Very truly yours,

Christine Joyce  
Town Manager's Office

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**LEGAL NOTICE**  
**TOWN OF ACTON**  
**NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on March 9, 2009 at 7:35 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application of Wetherbee Plaza LLC (Leo Bertolami) for a Site Plan Special Permit under Section 10.4 of the Zoning Bylaw for property at 107-115 Great Road, Acton, MA 01720. The application and accompanying plans can be inspected at the Town Hall during normal business hours.

**ACTON BOARD OF SELECTMEN**



Planning Department

3/9/09 (4)

**TOWN OF ACTON**

472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630  
planning@acton-ma.gov

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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Steven Ledoux, Town Manager **Date:** March 5, 2009  
**From:** Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner  
Roland Bartl, Planning Director *R.B.*  
**Subject:** Site Plan Special Permit Application #01/23/09-417

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Location: 107-115 Great Road  
Applicant: Wetherbee Plaza, LLC., 6 Proctor Street, Acton, MA 01720 (Bertolami)  
Owner: same  
Engineer: Acton Survey & Engineering, Inc., 97 Great Road – Unit 6, Acton, MA 01720  
Previous Site Plans: #11/07/03-393 issued March 22, 2004  
Zoning: East Acton Village District (EAV)  
Groundwater Protection District Zone 4  
Proposed FAR: 0.12 (maximum is 0.20)  
Proposed Uses: Retail, Building Trade Shops & Residential  
Map/Parcel: G-4/28 & 28-1  
Hearing Date: March 9, 2009  
Decision Due: June 6, 2009

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Attached are the legal ad, application, plan sheets, and departmental comments. As of this date, comments have been received from the Town of Acton's Sidewalk Committee, Fire Department, Health Department, Engineering Department, Design Review Board, Transportation Advisory Committee, Acton Water District, and the Conservation Commission.

**The Site Plan:**

The complete application shows a new 2 story, approximately 6,000 ft<sup>2</sup> retail/commercial building (#107 Great Road), a 2 story carriage house (#113) in the back with a proposed building trade shop on the lower level and an apartment unit or units on the second level, a windmill building in the center of the site, as well as the relocated Raynor House (former Station Master's home) as converted to retail/office space (#115).

**Background/History:**

The current Site Plan Special Permit application is the result of substantial discrepancies from the original Site Plan Special Permit approved in 2004 that occurred during the course of construction. They surfaced when the applicant attempted to obtain a Certificate of Occupancy for the new

building at #107. Upon submission and review of the required As-Built Plan, the discrepancies identified by staff were so significant that no occupancy permit could be issued without prior corrective measures having taken place.

The following is a brief timeline of events leading to the new Site Plan Special Permit application submitted for review and now before the Board<sup>1</sup>.

October 2003	Entire site rezoned by petition to East Acton Village District (EAV).
November 7, 2003	Site Plan Special Permit application #11/07/03-393 filed.
January 22/29, 2004	Legal notice of proposed EAV zoning changes is published.
March 22, 2004	Site Plan Special Permit #11/07/03-393 approved & issued.
April 2004	Annual Town Meeting adopts the EAV zoning district amendments.
May 2004	Station Master's House moved and converted to retail/office use.
February 2005	Windmill building permit issued.
March 2005	Carriage House building permit issued.
March 11, 2005	Building permit issued for new 3-unit retail building.

At some point between the middle of 2005 and mid-2008, all of the structures identified on the Site Plan application were constructed and are currently in various stages of near-completion and occupancy.

Oct./Nov. 2008	Terrene: Sustainable Building Supply begins to move into one retail bay and begins build-out of space for their business purposes.
Mid-November 2008	Applicant requests Certificate of Occupancy (CO) for retail bay for Terrene. Staff requests as-built plan to verify compliance with the Site Plan Special Permit #11/07/03-393. Compliance failures become apparent. No CO is issued.
November 21, 2008	Meeting with Mr. Bertolami and Terrene owner regarding CO. Applicant and tenant request permission to hold grand opening. Staff refuses permission without CO issued.
November 22, 2008	Terrene moves forward with advertised grand opening without CO.
November 24, 2008	Staff site visit confirms that Terrene is open for business without CO.
November 24, 2008	First Cease & Desist Order issued.
December 24, 2008	Second Cease & Desist Order issued.
December 30, 2008	Letter from Town Manager on behalf of Board of Selectmen staying zoning enforcement action provided Mr. Bertolami files a new Site Plan Special Permit application by January 23, 2009, and receives a grant of such special permit.
January 12, 2009	Applicant appears before Board of Selectmen to discuss; timetable for filing of new application and potential fines for violations are discussed.
January 23, 2009	Applicant submits new Site Plan Special Permit application.

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<sup>1</sup> Note the zoning changes: In October 2003 the site was rezoned from Limited Business (LB) to EAV. In April 2004 EAV zoning changed as a result of recommendations of the East Acton Village Plan. The site remained in EAV. The 4/2004 amendments changed various dimensional, use, and other standards. Site plan special permit #11/07/03-393 is protected under the zoning in effect when its application was filed, as are the building permits on the site for buildings shown on that site plan.

## **As-Built Plan Discrepancies Resulting in Non-Compliance with 2003 SPSP:**

The following lists the major items that the as-built plan showed in non-compliance with Site Plan Special Permit #11/07/03-393:

- The building had been constructed with a 0'-0" foot side yard setback, where a 10'-0" setback was required under applicable pre-4/2004 zoning and approved under the Site Plan Special Permit. The applicant also obtained a building permit which identified a 10'-0" minimum side yard setback<sup>2</sup>.
- The building's concrete steps and a/c condensing units have been installed onto the adjacent car wash property to the south. The original Site Plan Special Permit did not show these structures and mechanical equipment, and therefore, were not approved.
- Impervious pavement area has been increased in excess of 1,200 square feet over the approved plan.
- Parking space layout and configuration has been modified.
- Parking spaces previously shown and approved have been removed, others had been added.
- The walkways and planting areas have been modified.
- The curb cut at Great Road has been increased in width from the approved 24'-0" wide zoning bylaw standard to 31'-0".
- Exterior lighting does not currently comply with Zoning By-Law requirements.
- A new driveway/access configuration has been proposed to the rear carriage house.

## **Implications of Zoning Changes between 2003 SPSP Approval and Completion of Project:**

As noted above, the subject property is located within the East Acton Village (EAV) Zoning District. The finally approved disposition for the entire site and the uses on it will have to comply with either the pre-April 2004 zoning (based on the theory that protections exist through the still uncompleted Site Plan Special Permit #11/07/03-393 and the uncompleted building permits issued there under), or the post-April 2004 zoning, subject to the applicant making the necessary plan modifications and waiving in writing any zoning protections stemming from the 2003 site plan special permit and all building permits issued there under.

**The older and the newer zoning standards cannot be mixed at this time.** After all is completed according to an approved plan and all Certificates of Occupancy are issued, future modifications or additions will have to comply with the post-April 2004 zoning, or any further revised zoning standards then in effect.

It is my understanding that he wishes to proceed in compliance with the new and current Zoning Bylaw regulations for EAV as adopted in April 2004. The four zoning district requirement changes from the April 2004 Town Meeting that appear significant to this site are relative to 1) the minimum v. maximum required front yard setback, 2) the minimum side yard setback, 3) the prohibition of the proposed Building Trade Shop as a use, and 4) the parking spaces located in front of the front line of the principle building(s) on the lot.

- 1) Front Yard Setback Requirements: The old pre-4/2004 Zoning Bylaw required a minimum 30'-0" front yard setback for property fronting on Great Road. In compliance with that and

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<sup>2</sup> Records in the Building Department indicate that sometime in 2005, or so, the Building department approved a fire proofing upgrade for the easterly wall of the building. In hindsight, this upgrade was needed for the building to move closer to the adjacent car wash. However, the applicant never requested a site plan special permit amendment through which zoning issues could have been evaluated.

with Site Plan Special Permit #11/07/03-393 the applicant constructed the retail building (#107) with a 46'-0" front yard setback. The 4/2004 zoning amendments changed the front yard setback requirement to a minimum of 10'-0" and a maximum of 20'-0".

The retail building remains with a 46'-0" front yard. In an apparent attempt to satisfy the new maximum front yard setback requirement – and short of moving at least one building to the front – the new site plan now before the Board introduces a pergola structure with a 14'-0" front setback. While this appears to satisfy the literal text of the zoning bylaw, the Board may wish to consider if would or would not adequately meet the intent of the maximum front yard setback requirement in the EAV zoning district.

- 2) Side Yard Setback Requirements: The 2003 Zoning By-Law required a minimum 10'-0" side yard setback. The applicant applied for and obtained Site Plan Special Permit #11/07/03-393 and a subsequent building permit with a 10'-0" minimum side yard setback for the new retail building (#107). The 4/2004 zoning amendments reduced the side yard setback requirements to 0'-0".

Without seeking a site plan special permit amendment, the applicant sited the new building directly on the eastern property line with a 0'-0" side yard setback, with steps and a/c units not shown on the site plan actually trespassing on the adjacent car wash property at 97 Great Road, which the applicant also owns. The applicant proposes to relocate the lot line to capture the steps and a/c units within the same lot on where the #107 building is; the new side yard setback would remain at 0'-0". A submission, endorsement, and recording of an ANR plan to that effect will be required before the issuance of a Certificate of Occupancy.

- 3) It is my understanding that the applicant intends to establish a building trade shop in the carriage house at the rear of the site. A Building Trade Shop as a use in the zoning bylaw was allowed under pre-4/2004 zoning, but is no longer permitted under current/post-4/2004 zoning. If the applicant intends to go with the new zoning, the Building Trade Shop use would have to be replaced with another allowed use.
- 4) There are five parking spaces and portions of two more spaces situated between the front line of the principle buildings on the lot (#107 and #115) and Great Road. This would have been okay under the Limited Business Zoning where the lot was until the petition rezoning in October 2003. Now in the EAV zoning district, this is not allowed (6.9.1.1 of the Zoning By-Law). To comply, these spaces must be removed.

To summarize, the applicant relocated the retail building (#107) and made other site improvements without proper authorization or permits and in violation of Site Plan Special Permit #11/07/03-393. That site plan special permit affords the applicant protections under zoning in effect before April 2004. In attempting to correct the violations with the filing of a new site plan, the applicant now states his intent to comply the requirements of the current Zoning By-Law as in effect after April 2004. It appears that the applicant has not yet made all the choices required to satisfy current zoning. The applicant has to choose between old or new zoning; he cannot mix and match.

There appear to be significant obstacles in the way of the applicant's intent to comply with current EAV zoning standards as well as with pre-April 2004 zoning standards for which he has statutory protections. Possible Remedies that the applicant could explore are:

Comply with pre-April 2004 zoning: Relocate the new #107 retail building to meet the 10-foot side yard minimum and reconfigure the site as it was approved in Site Plan Special Permit #11/07/03-393. The applicant has prior experience in relocating existing structures.

Variances from the Board of Appeals. The applicant could apply for variances from either the front or side yard setbacks, or any of the other zoning violations on the site. The applicant will have to prove hardship in accordance with statutory requirements.

Combine Properties. The applicant owns both the 107-115 Great Road property as well as the adjacent 97 Great Road property to the south. The applicant could possibly combine these properties into one lot in although this might create new zoning violations, this option would require additional zoning review. If no new zoning complications were to arise, this could be the simplest option, where it not for the applicant's stated intent to sell one of the properties.

### **New Site Plan Special Permit application – Comments**

- 1) As stated earlier, the current Zoning By-Law requires a 10'-0" minimum and 20'-0" maximum front yard setback. The front setback of the new retail structure remains at 46'-0". The applicant proposes a pergola structure with a 14'-0" front yard setback. This meets the letter of the zoning bylaw. The Board should consider if the pergola (normally just a landscaping feature) does or does not satisfy the intent of the new zoning's maximum setback requirement in EAV to move buildings closer to the street.
- 2) As stated earlier, if the applicant wishes to proceed with the new zoning standards the applicant's needs to relocate the side lot line with an ANR plan to capture the entire building #107 within the lot.
- 3) As stated earlier, if the applicant wishes to proceed with the new zoning standards he will have to substitute the Building Trade Shop with a new use now allowed in the EAV district.
- 4) As stated earlier, if the applicant wishes to proceed with the new zoning standards, he needs to submit a written statement waiving any zoning protections stemming from site plan special permit #11/07/03-393 and any building permits issued there under.
- 5) Finally, as stated earlier, if the applicant wishes to proceed with the new zoning standards the parking spaces between the front line of the principle buildings and the sideline of Great Road will have to be removed. There are currently two offending spaces and a portion of a third on the southern side of the driveway and maneuvering aisle, and three and a portion of a forth parking space on the north side.

In addition,

- 6) The proposed parking layout has two accessible parking spaces located on either side of the drive aisle towards the rear of the former station masters house. The configuration of the parking layout in this area results in a maneuvering aisle of approximately 18'-0" in width, which does not meet the 24'-0" minimum required under zoning. For zoning purposes the entire width of the extra wide accessible parking spaces must be considered. It is not acceptable to suggest that vehicles could pass over, including the wheelchair access area.

- 7) 12 of the 41 total parking spaces provided on site are configured in a stacked formation. Stacked parking is not expressly permitted under the Town of Acton's Zoning By-Law. The By-Law only permits the storing of vehicles in a stacked configuration in connection with the licensed display of cars/vehicles for sale. Otherwise, all parking spaces provided must be directly accessible from a driving or maneuvering aisle. The applicant's argument in a memo dated March 3, 2009, states that the stacked parking provided is in excess of the minimum number of parking spaces required, and therefore, should be permitted to be stacked. Planning Department staff does not believe that stacked parking is operationally functional for a commercial parking lot. All spaces should be directly accessible from a drive aisle, and stacked parking should not be permitted in this instance.  
Note: It appears that the #11/07/03-393 site plan shows four stacked parking spaces. To the extent this was approved at the time they could remain. But, staff does not recommend continuing this precedent on regular commercial sites. For theaters or other event venues where use overflow spaces is limited to a few occasions per year or where attendants or valet service is provided stacked parking can be appropriate,
- 8) The plan indicates 35 parking spaces shown for the front two buildings (#107 and #115), whereas zoning requires on 20. Parking lot corrections to comply with current zoning may result in a loss of more than 15 spaces. The applicant needs to show zoning compliance with whatever final parking lot configuration he can devise.
- 9) The curb cut and driveway providing access to the property exceeds the maximum width provided under Section 6.7.3. The plans indicate a 31'-0" wide curb cut while 24'-0" is the maximum permitted. The #11/07/03-393 site plan shows 24'-0". The applicant stated that the State built it at 31'-0" for him. The fact remains that the driveway is too wide unless the Board of Selectmen grant an exception under section 6.7.3 of the zoning bylaw. Extra wide driveways are inconsistent with the village planning and zoning goal to create more pedestrian friendly environment.
- 10) Access to the rear carriage house has been modified. Entrance to the carriage house is through a one-way drive from the adjacent 97 Great Road property, while exiting is via a one-way drive down through the 107 Great Road property to Great Road.
- 11) The applicant should submit a complete lighting plan for the subject property that identifies all new and existing installations with sufficient documentation to prove compliance with all requirements set forth in Section 10.6 of the Zoning By-Law. In addition the lighting plan must be certified to be valid and correct by its designer as required under the zoning bylaw.
- 12) The #11/07/03-393 site plan shows a 20'-0" wide sidewalk easement from Brabrook Road along the westerly property line to Great Road. The new site plan now before the Board does not show it. However, the applicant has stated that he is willing to provide a 5'-0" wide easement and a 10'-0" wide temporary construction easement. The Board should seek confirmation of this easement from the applicant during the hearing. There are wetlands along the westerly lot line. It is not clear that such an easement is in fact useful. If provided, the original 20'-0" width would make it a little more likely that a sidewalk could actually be constructed there. Whatever, the width, it should be labeled public sidewalk easement.
- 13) The site plan special permit #11/07/03-393 required the construction of a sidewalk beginning at Brabrook Road and from there along the interior driveways on the site to

the commercial buildings in the front. The applicant now wishes to remove such sidewalks. Staff recommends that this sidewalk remains a requirement in any new site plan special permit. While the Board may not be able to require a public access easement where the applicant does not wish to provide it, the Board would appear to be within its zoning powers to require adequate pedestrian access to a commercial site in addition to vehicular access. Since the area of Brabrook Road is a substantial neighborhood within walking distance, requiring such access is appropriate. The applicant's engineer suggests that providing such a sidewalk would allow people to trespass. The applicant should explain how people coming to this retail location by foot would trespass whereas those coming by car would not.

- 14) Note that the Engineering Department still has a substantial list of comments and questions even after a second plan review.

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3/9/09 (4)

**Scott Mutch**

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**From:** Robert Craig  
**Sent:** Friday, March 06, 2009 10:35 AM  
**To:** Christine Joyce; Scott Mutch; Kevin Lyons  
**Cc:** Steve Ledoux  
**Subject:** RE: Site Plan for Bertolami Great Road

In reading over both of the recent documents in response to previous comments, I find that a number of items that I had previously commented on have been addressed with the exception of the center aisle of the parking lot still remaining at less than 24 feet as is required.

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**From:** Christine Joyce  
**Sent:** Wednesday, March 04, 2009 2:00 PM  
**To:** Scott Mutch; Robert Craig; Kevin Lyons  
**Cc:** Steve Ledoux  
**Subject:** Site Plan for Bertolami Great Road

Scott and all, please remember I need your comments to Mark Donohoe's comments in the letter he sent responding to the staff's comments dated February 24th and copied to you by me on February 25

Many Thanks, and remember, Mr. Bertolami will be there without Mr. Donohoe..

3/6/2009

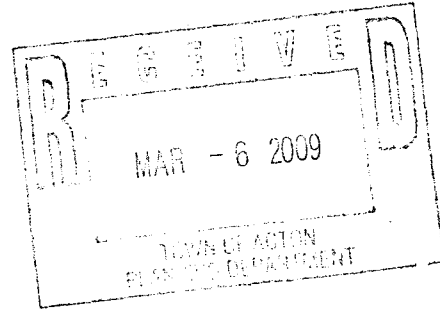
3/9/09  
(4)

**Acton Survey & Engineering, Inc.**  
P.O. Box 666, 97 Great Rd. #6 • Acton, MA • 01720  
Phone: (978) 263-3666 • Fax: (978) 635-0218  
Email: actonsurvey@verizon.net

March 6, 2009

Acton Board of Selectmen  
472 Main Street  
Acton, MA 01720

Re: 107-115 Great Road  
Wetherbee Plaza Extension  
SPSP 1/23/09



Dear Board Members:

The purpose of this letter is to respond to the Zoning Enforcement Officer and Planning Director IDC of March 5<sup>th</sup>.

Due to other commitments we cannot make as complete a response as we believe might be appropriate to serve our client and our comments are being made without prejudice to those that may be formulated latter.

Page 3 contains an underlined and bold statement that is untrue as certain zoning requirements obtain preexisting nonconforming exemptions.

Concerning the numbered items under Implications of Zoning Changes we offer the following:

1. It is our opinion that Pergola is a Building as defined by 1.3.3 and establishes the Front Yard required by foot note 10 on page 60.
2. An Approval Not Required Plan has been filed with the Planning Board to achieve the property line change.
3. The use of the Carriage House will conform to the Zoning Bylaw and for purposes of parking computations a repair shop/studio should be utilized with one parking space being inside the building.
4. The Zoning Bylaw does not define "principal buildings". Under 6.9.1.1 parking is prohibited between the front line of the principal building and parking on both sides of the front parking lot is behind the Station Master's House.

If parking is to be located behind a line connecting two buildings, then if 107 was not constructed all parking would be required to be behind a line drawn between the Windmill or Carriage house.

If necessary the Pergola can be extended to connect to 107 and the connection will not create over 500 square feet of impervious surface.

In response to Item 6 on page 5:

- The accessible parking apace on the 107 side of the driveway is not opposite the accessible space on the Station Master's House side and is not behind the Station Master's House.
- A vehicle backing out of the accessible space at the Station Master's House would back over an area shown to be painted to preclude parking so that it is reserved for this purpose. We expect that if this area was unmarked that a vehicle could inadvertently be parked there.
- The alignment of the two striped areas allows for persons to walk between the buildings without passing between vehicles.

Item 7: We believe that this has been adequately addressed in previous correspondence and the "stacked spaces" will be removed from the plan.

Item 8: We believe that parking has been shown to be in conformance with the Zoning Bylaw and we expect that we can adjust lot lines in a manner that would allow conformance to be achieved if vagaries result.

Item 9: The width of the Access Drive has been reduced to 24 feet at the Lot Line and to achieve curb roundings the width of a "curb cut" is required to exceed 24 feet and is shown as such in the diagrams presented in 6.1.

Alterations within the State Right of Way are under the jurisdiction of MHD.

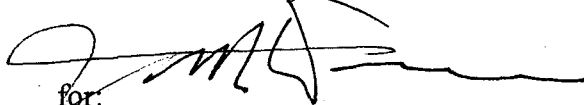
Item 11: A lighting Plan will be submitted.

Item 12: The Brabrook Road Boardwalk is located in a wetland and if it is agreeable to our client the trail easement will be widened to 20 feet.

Items 10,13 and 14 do not require a comment at this time.

Comments from other Town departments and committees were included in the documents received yesterday and we will respond to these at a later date if desired by the Board.

Very truly yours,  
Mark T. Donohoe, PE



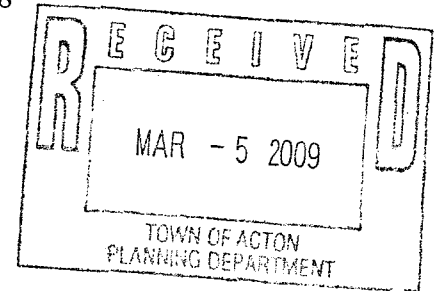
for:

Acton Survey & Engineering, Inc.

cc: Leo Bertolami

3/9/09  
(4)

**Acton Survey & Engineering, Inc.**  
P.O. Box 666, 97 Great Rd. #6 • Acton, MA • 01720  
Phone: (978) 263-3666 • Fax: (978) 635-0218  
Email: [actonsurvey@verizon.net](mailto:actonsurvey@verizon.net)



March 5, 2009

Acton Board of Selectmen  
472 Main Street  
Acton, MA 01720

Re: 107-115 Great Road  
Wetherbee Plaza Extension  
SPSP 1/23/2009-417  
5180

Dear Board Members:

This letter is in response to the IDC issued by the "Engineering Department" on March 3<sup>rd</sup> and received by this office yesterday afternoon.

As many of the items raised in their initial IDC have been resolved we have decided to respond to those items needing additional attention by utilizing the numbering system in our letter of February 24<sup>th</sup>.

We have made our responses in a manner that should not require reading the previous correspondence. We note that our February 24<sup>th</sup> letter failed to comment on two items, which are responded to in this letter, and if our responses are found to be deficient in any manner please inform us.

Time constraints do not allow us to make revisions to the plans and submit them for review.

As stated under Site Notes the plans were prepared to allow review of recent and proposed changes and on the ground instrument surveys have not been made since August 20, 2008 and certain features were based on contractor's notes.

Snow cover and frozen ground conditions precluded the reasonable updating of site information.

Many of the items commented in the Engineering Department IDC pertained to the need for addition information concerning existing conditions and we recommend that prior to the initiation of further construction that an interim as-built plan be prepared and submitted to the Town. The preparation of the interim plan will allow for more finite control of the construction process required to complete site construction and allow resolution of many of the items contained in the Engineering Department IDC.

### ***Sidewalk***

Our client has indicated a willingness to provide a 5 foot wide permanent trail easement with an overlapping 20 foot wide construction easement along the western side of the property to connect to the Brabrook Road Boardwalk.

The Principals of Ellsworth Village informed this writer that residents utilize the emergency access drive to Great Road.

### ***Engineering Department IDC***

2.3 The depth of the dripline recharge trench was shown on the original site plan to be 2 feet and we will revise the detail on the present plan to conform to this depth, instead of the 1 foot depth shown on the present plan.

A 1' foot depth will be utilized behind 107 as the width of the trench will be increase to about 5 feet.

2.5, 2.6 & 2.7 These items will be addressed by the preparation of an as-built plan.

2.9 & 2.10 The increase in runoff occurs when runoff from the offsite area, Brabrook Road area, is included in the model.

It should be apparent that the substitution of the larger ponding area provided by the enhanced wetland compensates for the removal of the retention basin behind the Station Master's House.

We will provide the Engineering Department with the drainage areas used in our analyses.

2.13 & 2.142 The bench and sidewalk in the front of 107 Great Road have been constructed and it is this writer's preference that they were constructed in accordance with the design. However, they are adequate and there is no need to move them.

2.142 A reply to this item concerning the sidewalk parallel to the access driveway was omitted from our earlier response. This item is between 2.14 and 2.15.

2.141. A reply concerning the pavement markings, yellow center line and stop line at the access drive onto Great Road, were omitted from our previous reply.

The markings will be added to the Site Plan.

2.15 & 2.16 Bench Marks and the MHD Bound will be shown on revised plans.

2.17 & 2.15 An Approval Not Required Plan [ANR] showing the new property lines has been submitted to the Planning Board. An ANR Plan requires the signature of the Board but does not require, or allow for, a public hearing.

3.7 & 3.8 The need for a sidewalk should be reviewed by the Board and Staff along with the construction and maintenance requirements for the Brabrook Road Boardwalk.

Our client has offered to provide a trail easement along the western side of the property.

3.10 & 3.11 The site plan will be revised to not show stacked parking spaces. However, the pavement limits will remain the same.

The parking space that extends over the access driveway and narrowing its width to 9 feet will be removed.

The parking Table enclosed has been revised to reflect these changes and shows that the parking is in conformance with the Zoning Bylaw.

***Summary***

The need for a sidewalk and its proximity to buildings remains a concern to our client and we suggest that its need be considered by the Board. The substitution of a trail easement has been suggested by our client.

The preparation of an interim as-built plan and the revisions outlined above should allow most of the concerns indicated by the Engineering IDC to be resolved.

We will provide plans showing the tributary areas utilized in the stormwater model.

Very truly yours,  
Mark T. Donohoe, PE



for:  
Acton Survey & Engineering, Inc.

cc: Leo Bertolami  
Acton Engineering Department

DESCRIPTION	REQUIRED/ALLOWED	PROVIDED/PROPOSED
Lot Area	NR	107050 SF (1)
Lot Frontage	NR	263.41
Lot Width	NR	-
Front Yard	10	14
Side/Rear Yard	NR	1.01
Minimum Open Space	25%	66%
Floor Area Ratio	0.20	0.12

Maximum Building Height: 36' (2)

Developable Lot Area: 88,653 SF

(1) Includes 378 SF obtained from Wetherbee Plaza

(2) Blades on windmill and copula will extend to a maximum of 45'

## **BUILDING PARKING ANALYSIS:**

FRONT:

DESCRIPTION Street #/Use	NET FLOOR AREA SF	PARKING SPACES		
		Required(1)	Provided	w/o Stacked
107 Retail	6125	15		
115 Retail	1850	5		
TOTAL:	7975	20	29 (2)	

REAR:

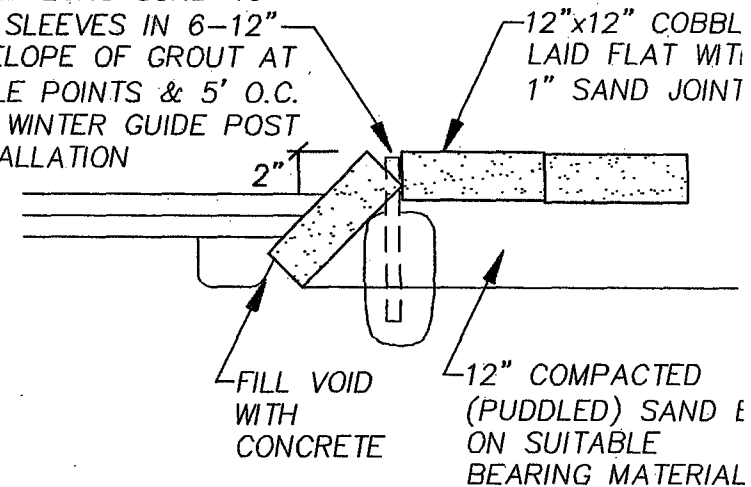
DESCRIPTION Street #/Use	NET FLOOR AREA SF	PARKING SPACES		
		Required(1)	Provided	w/o Stacked
113 1st Floor Trade Shop	2250	4		
113 2nd Floor Apartment	N/A	2		
Windmill	325	1		
TOTAL:	N/A	7	8	N/A

(1) With 0.70 reduction allowed for EAV (6.9.1.4)

(2) Includes 2 van accessible handicap spaces

2004 Site Plan shows 23 plus 2 stacked spaces

SET 2' LONG SCHD 40  
PVC SLEEVES IN 6-12"  
ENVELOPE OF GROUT AT  
ANGLE POINTS & 5' O.C.  
FOR WINTER GUIDE POST  
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Engineering Department

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**INTERDEPARTMENTAL COMMUNICATION**

**To: Planning Department**

**Date:** February 3, 2009

**Revised: March 3, 2009**

**From: Engineering Department**

**Subject: Site Plan Special Permit #1/23/2009-417 - Wetherbee Plaza Extension -  
107 – 115 Great Road**

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We have the following comments regarding the above mentioned site plan dated January 23, 2009. **Our revised comments made on March 3, 2009, have been highlighted with text that is bold and italicized. I have also included the response written by the applicant's engineer in their memo dated February 25, 2009.**

1. It is our understanding that this Site Plan Special Permit (SPSP #1/23/2009-417) will supersede certain aspects of the already approved Site Plan Special Permit (SPSP #11/7/2003-393). The application letter from Acton Survey & Engineering dated January 23, 2009 states the intent of this submittal is for the following revisions:

**Applicant's Response – 2/25/2009:**

**"The Board required the applicant to file a new Site Plan Special Permit."**

**Engineering Response – 3/2/2009:**

**No Comment**

- Approve the location of the retail building (107 Great Road) as it was constructed. The building was constructed in a location that is different from what was previously approved.

**Applicant's Response – 2/25/2009:**

**"The change in the location of 107 Great Road allowed improvements to the parking lot resulting in the addition of over 500 square feet of impervious area which under 10.4.1.1 3 requires a SPSP if parking is a use."**

**Engineering Response – 3/2/2009:**

**No Comment**

- The retail building (107 Great Road) was constructed on the existing property line. As a result, the applicant encroached onto the abutting property with utilities such as HVAC units, stairs, drainage, etc... along the rear of the building. The applicant is seeking to change the lot line between parcels 28-1 & 50 on Town Atlas Map G-4 to encompass all these amenities so that there is no encroachment onto the abutting parcel. The 107-115 Great Road site is comprised of two parcels of land (Parcel 28-1 & 28 on Town Atlas Map G-4). The abutting property (97-105 Great Road) is located on one parcel (Parcel 50 on Town Atlas Map G-4).



**Applicant's Response – 2/25/2009:**

***"Lot line changes are not subject to SPSP."***

**Engineering Response – 3/2/2009:**

***No Comment***

- Allow an increase of the total number of parking spaces/impervious areas.

**Applicant's Response – 2/25/2009:**

***"The building was relocated to allow the number of parking spaces to be increase and allow the business located in the Station Master's House to remain viable."***

**Engineering Response – 3/2/2009:**

***No Comment***

- Allow the applicant to construct a paved one-way driveway over the wetland crossing for the sewer force main between the retail building (107 Great Road) and the Carriage House (113 Great Road).

**Applicant's Response – 2/25/2009:**

***"The need for vehicles to exit the property other than entering the line waiting for the car wash mandated the egress through Wetherbee Plaza Extension."***

**Engineering Response – 3/2/2009:**

***No Comment***

- Eliminate the requirement for the sidewalk across this property that connects the sidewalk on Great Road to the sidewalk on Ellsworth Village Drive at the end of Brabrook Road.

**Applicant's Response – 2/25/2009:**

***"Our client does not want to incur liabilities resulting from unnecessary pedestrian traffic or limiting their ability to control possible trespass."***

**Engineering Response – 3/2/2009:**

***No Comment***

2. Our assumption is that the Applicant is seeking to amend the items as stated above from their application letter. However, there will be other items that should be constructed as it was previously approved. We noted the following items that do not seem to comply with the former Site Plan Special Permit and need to be addressed:

- The 12" diameter outlet pipe for the catch basin next to the retail building at 107 Great Road is not shown on the plan. The previous plans proposed the outlet behind the retail building to connect to the cleanout at the rear building corner next to Great Road.

**Applicant's Response – 2/25/2009:**

***"The outlet from the Stormceptor at the northwest corner of 107 is shown, but is masked as it is congruent with the rear foundation wall."***

**Engineering Response – 3/2/2009:**

***This pipe was shown on the plan, but it is obstructed by the other features in the same vicinity.***

- The engineer utilized a two foot minimum depth for the crushed stone recharge trenches around the sides of the buildings in their former drainage calculations. The recharge trenches surrounding the buildings are only labeled to have a 12-inch depth.

**Applicant's Response – 2/25/2009:**

***"The depth of the recharge trench was increased to 2 feet to allow for more storage. The width of the trench behind 107 was increased to allow more storage."***

**Engineering Response – 3/2/2009:**

***The prior drainage calculations dated August 7, 2003 determined the total volume of recharge required for the roof runoff. I need some clarification on this issue. Based on this calculation, I think the 2 foot depth is needed to meet the required storage volume.***

- The recharge trench behind the Station Master's building (115 Great Road) is not shown on the plan.

**Applicant's Response – 2/25/2009:**

***"Gutters and downspouts were utilized at the Station Master's House. Crushed stone was placed along the westerly section at the rear of the building;"***

**Engineering Response – 3/2/2009:**

***The engineer has stated that crushed stone was placed at the rear of the building. The engineer will need to certify on the final as-built plan that it was constructed in accordance with the approved plans. The plans call for it to be 5 feet wide along the entire side of the building and 2 feet deep. The recharge trench and the associated typical details should be shown on this Site Plan.***

- The 8" overflow pipe connecting the two cleanout structures in the blast hole between Great Road & the retail building is not shown on the plan.

**Applicant's Response – 2/25/2009:**

***"There is no pipe between the cleanouts in the "blast hole" in front of 107. This will allow runoff to flow into the hole and once its storage/recharge capacity is exceeded excess water will flow to the swale in front of the Station Master's House. Flow to the swale from this pipe has not been observed."***

**Engineering Response – 3/2/2009:**

***The engineer has proposed to remove the pipe between the 2 cleanout structures in the blast hole. The engineer will need to add a detail for these cleanouts to specify the proposed rim elevations and the type of inlet grates that will be installed on these cleanouts to allow the runoff to enter/exit these structures.***

- The engineer should label the pertinent as-built information for the existing drainage system on the site such as pipe diameters & type, inverts, etc...to demonstrate that it was constructed in accordance with the approved former site plan. According to the site plans in my office, the existing catch basins on the site should be Stormceptor units. The engineer should label the specific types that were installed for each of the catch basins. In the former drainage calculations for CB A, CB B, CB C and CB D were sized and shown to be STC 3600, STC 900, STC 1800 and STC 6000, respectively.

**Applicant's Response – 2/25/2009:**

***"The three catch basins installed to serve the pavement areas around 107 and 115 are Stormceptors 450i as shown on the original Site Plan. Catch Basin D is located on the driveway between the carwash driveway and Carriage House and has not been installed as the driveway has not been constructed. A standard catch basin will be utilized at this location."***

**Engineering Response – 3/2/2009:**

***We want the elevations for the existing drainage system to be labeled on the plan.***

***The engineer stated that the applicant installed Stormceptors 450i for the 3 catch basins that have been installed on the site thus far. The engineer states that this size Stormceptor (450i) is per the original design. I need some clarification on this issue. Based on the prior drainage calculations dated August 7, 2003, the sizing for these Stormceptors required larger units as identified in our comment.***

- The prior site plan called for curbing around the parking areas to divert runoff into the Stormceptors for treatment prior to discharge into the wetlands. The revised site plan appears to have deleted the proposed curbing from the design except for in front of the retail building.

**Applicant's Response – 2/25/2009:**

***"The use of raised bituminous curbs around parking areas was to limit vehicle movements on landscape surfaces and not to "divert" runoff to the Stormceptors. Given the limited size of the parking areas and the type of vehicle movements required we elected to not edge the pavement in areas not expected to be approached at right angles for parking purposes by nonemployees. The Zoning Bylaw does not require curbing to be installed and we believe that the omission of curbs will enhance the appearance of the site and allow for dispersal of runoff in portions of the site not presently paved."***

**Engineering Response – 3/2/2009:**

***The engineer has stated per his Wetlands Order of Conditions that the treatment of the pavement runoff will exceed the previously approved design. Compliance with the Massachusetts Stormwater Policy is controlled by the Conservation Commission. No further comment.***

- The entire parking area for the carriage house was originally designed to drain toward the Stormceptor in the access driveway by the car wash. This Stormceptor provided some pretreatment prior to discharge to the wetlands. The new site plan shows the rear parking area to be re-graded so that it will drain overland toward the wetlands. The engineer has proposed the grading of the grass area prior to the wetlands to be flat. The engineer should document how he intends to achieve at least the same amount of treatment as it was previously designed.

**Applicant's Response – 2/25/2009:**

***"The present design allows for the dispersal of runoff over vegetated areas that will serve as "filter strips" providing for renovation of runoff as regulated by the Order of Conditions issued by the Conservation Commission for the site. By limiting the impervious area tributary to filter strips and dispersing runoff over them we believe that the 45 percent removal of total suspended solids listed on page 17, Chapter 2, Volume 2 of the Massachusetts Stormwater Handbook will be exceeded. It should be***

***noted that stormwater runoff from this area of the site will not be discharge from the site."***

**Engineering Response – 3/2/2009:**

***The engineer has stated per his Wetlands Order of Conditions that the treatment of the pavement runoff will exceed the previously approved design. Compliance with the Massachusetts Stormwater Policy is controlled by the Conservation Commission. No further comment.***

- The existing detention basin behind the Station Master's building (115 Great Road) is shown to be filled-in. The engineer needs to explain how the new drainage system has been altered to account for the loss of this retention basin.

**Applicant's Response – 2/25/2009:**

***"As shown by the stormwater management calculations submitted, the removal of the basin behind the Station Master's house will be compensated for by the enlargement of the wetland area and its attenuation capacity."***

**Engineering Response – 3/2/2009:**

***The engineer states that the enlargement of the wetland area uphill of this parking area attenuates for the loss of this detention basin. The drainage calculations show an overall increase in the peak rate of runoff for a 10-year storm event.***

- The engineer should submit copies of their drainage subcatchment maps so that we can analyze the drainage calculations that were submitted with this site plan. The applicant has increased the amount of impervious cover on the site and we want to be sure that the peak runoff from the developed areas will not inundate the existing wetland area next to Great Road.

**Applicant's Response – 2/25/2009:**

***"The stormwater management calculations show the entire site, except for the driveway area at Great Road to be tributary to the dry brook, or the wetland area adjacent to Great Road."***

**Engineering Response – 3/2/2009:**

***Pre and post drainage subcatchment maps allow the Town and interested parties the ability to understand the drainage calculations that were submitted with the site plan. According to the drainage summary, the overall peak rate of runoff for 10-year storm increases from 15.71 cfs to 24.5 cfs.***

- The front parking area between the retail building (107 Great Road) & the Station Master's building (115 Great Road) was originally proposed to sheet across the pavement toward the 2 catch basins on the Station Master's side of the parking area. The existing/proposed contours on the new site plan indicate the parking area has a low area along the center of the pavement and discharges to Great Road. As a result, the catch basin will not intercept the runoff from this parking area and the majority of the runoff will discharge directly onto Great Road. The engineer will need to revise the design in order to intercept this runoff before it discharges onto Great Road.

**Applicant's Response – 2/25/2009:**

***"The parking area is to be repaved to enhance flow to the catch basin grates."***

**Engineering Response – 3/2/2009:**

***The engineer has stated that the parking area will be paved such that the runoff will be diverted to these catch basins.***

- The front parking area was constructed closer to the Great Road State Layout than was previously approved.

**Applicant's Response – 2/25/2009:**

***"The offset between the parking lot and Great Road conforms to the Zoning Bylaw."***

**Engineering Response – 3/2/2009:**

***No Comment***

- The engineer has revised the location of the sidewalk between the retail building and the sidewalk on Great Road. The sidewalk is shown to be located adjacent to the access driveway without a grass strip. We recommend that the engineer relocate this section of sidewalk to provide a grass strip as it was previously designed.

**Applicant's Response – 2/25/2009:**

***"The sidewalk has been constructed and by "following" the driveway the grade of the sidewalk conforms to handicap access requirements."***

**Engineering Response – 3/2/2009:**

***According to the engineer, the applicant has already constructed the sidewalk adjacent to the driveway; it is our opinion that a grass strip between the sidewalk and the driveway would have been preferable as it was previously shown on the site plan.***

- This site plan indicates that the water quality swale between Great Road & the Station Master's building has not been constructed in accordance with former site plan.

**Applicant's Response – 2/25/2009:**

***"No comment necessary."***

**Engineering Response – 3/2/2009:**

***The swale still needs to be constructed in accordance with the previously approved design. We recommend that the water quality swale and the associated construction details be added to this site plan.***

- The engineer needs to install the stop line and the double yellow centerline on the access driveway at Great Road to delineate the entrance and exit lanes.

**Applicant's Response – 2/25/2009:**

***No comment made from the applicant***

**Engineering Response – 3/2/2009:**

***We recommend that the pavement markings be shown on this Site Plan.***

- The access driveway to Great Road was apparently constructed wider than what was previously approved. The applicant is proposing to remove a section of pavement on the retail building side and install some concrete blocks and cobbles slightly raised from the existing driveway surface to serve as a rumble strip for vehicles. The engineer has also proposed a sitting area at this corner of the retail building. The former site plan showed a landscaped area separating the sitting area and the driveway. The revised plan shows the sitting area adjacent to the driveway/rubble strip area. It is our opinion that customers would feel more comfortable utilizing the sitting area if there was more of a separation

from the vehicles entering the site as it was previously designed.

**Applicant's Response – 2/25/2009:**

***No comment made from the applicant***

**Engineering Response – 3/2/2009:**

***Still needs to be addressed***

- The engineer needs to label two temporary benchmarks on the site plan. The temporary benchmarks should be set on fixed objects that will remain during construction.

**Applicant's Response – 2/25/2009:**

***"The top of concrete elevations at two of the buildings are shown along with the rim elevation of a catch basin."***

**Engineering Response – 3/2/2009:**

***The engineer should clearly label the temporary benchmarks on the plans so that their contractor(s) can easily locate these reference points on the site.***

- The existing concrete bound (MassHighway bound) next to Great Road at the southwesterly corner of the site should be clearly marked in the field and preserved during construction. If this concrete bound is disturbed during construction, a registered land surveyor should be required to reset and certify the new bound location.

**Applicant's Response – 2/25/2009:**

***"No comment necessary."***

**Engineering Response – 3/2/2009:**

***Needs to be shown on the plans***

- The revised site plan should include the existing lot lines for parcel 28-1 on Town Atlas Map G-4 so that it is clear that this site (107-115 Great Road) is compromised of two parcels of land.

**Applicant's Response – 2/25/2009:**

***"A new ANR Plan has been prepared combining the two existing lots and combining a portion Wetherbee Plaza with Wetherbee Plaza Extension. A copy of the plan is enclosed."***

**Engineering Response – 3/2/2009:**

***It is my opinion that the existing property lines for the 2 parcels should be shown on this plan. The engineer has stated that the applicant intends to submit a new ANR plan combining these lots into one parcel of land.***

- The applicant will be required to submit an Approval Not Required plan to create the new lot line designations for parcels 28-1 & 50 on Town Atlas map G-4.

**Applicant's Response – 2/25/2009:**

***"A copy of the required ANR Plan is enclosed."***

**Engineering Response – 3/2/2009:**

***The engineer has stated that the applicant intends to submit a new ANR plan to combine the 2 properties into one parcel.***

- The revised plans do not show the location for the proposed dumpster at the Carriage House. The prior site plan had a dumpster located between the existing retaining wall for the septic leach field and the access driveway. The engineer will need to label the new location for the dumpster on the plans.

**Applicant's Response – 2/25/2009:**

***"A rubbish container is no longer proposed for the Carriage House."***

**Engineering Response – 3/2/2009:**

***The engineer has stated that there will be no dumpster being proposed for the Carriage House.***

3. We also have the following comments regarding the new features being proposed on the site:

- The engineer has shown a new stormwater inlet along the steeper portion of the proposed one-way driveway between the retail building and the Carriage House. The remainder of the one-way driveway is shown to discharge directly to the existing wetlands without pre-treatment. Based on the Notice of Intent to the Conservation Commission, this site was deemed a redevelopment project. This means that the areas that will be redeveloped only have to comply with the MA Stormwater Policy to the maximum extent possible.

**Applicant's Response – 2/25/2009:**

***"No comment necessary."***

**Engineering Response – 3/2/2009:**

***The engineer has stated per his Wetlands Order of Conditions that the treatment of the pavement runoff will exceed the previously approved design. Compliance with the Massachusetts Stormwater Policy is controlled by the Conservation Commission. No further comment.***

- The inverts in the stormwater inlet on the one-way driveway and in the pond recharge trench seem to be mislabeled. The inlet invert in the drainage structures are labeled lower than the outlet inverts.

**Applicant's Response – 2/25/2009:**

***"The drainage inverts on the plan are correct. This portion of the drainage system will flow under surcharge conditions and was designed to increase cover over pipes."***

**Engineering Response – 3/2/2009:**

***The inverts were labeled as the engineer intended – No Further Comment***

- The engineer needs to add a typical detail for the stormwater inlet being proposed on the one-way access for the Carriage House.

**Applicant's Response – 2/25/2009:**

***"Standard hooded deep sump catch basin will be installed and a detail will be added to the plans."***

**Engineering Response – 3/2/2009:**

***The engineer stated that the applicant plans to install a standard deep-  
sump hooded catch basin and that they will add a detail to the plans.***

- There is an existing subdrain located along the access drive for the car wash in the same location as the proposed 4 vacuum parking spaces. The engineer should show this subdrain on the plan and add some notes to ensure that it is not damaged during the construction of these new spaces.

**Applicant's Response – 2/25/2009:**

***"The subdrain will be added to the plan."***

**Engineering Response – 3/2/2009:**

***The engineer states that the subdrain will be shown on the site plan.***

- The proposed driveway for the windmill is shown to discharge directly to the wetlands without pretreatment. The engineer should incorporate some drainage improvements such as a water quality swale in compliance with the Stormwater Policy to achieve pretreatment prior to discharging into the wetlands. The

**Applicant's Response – 2/25/2009:**

***"The windmill driveway will be used on a monthly basis and is graded to shed runoff to its side and we believe that an adequate "filter strip" is provided."***

**Engineering Response – 3/2/2009:**

***The engineer has previously stated per his Wetlands Order of Conditions that the treatment of the pavement runoff will exceed the previously approved design. Compliance with the Massachusetts Stormwater Policy is controlled by the Conservation Commission. No further comment.***

- The engineer should submit new pipe sizing calculations to support the new drainage calculations for the increased impervious areas.

**Applicant's Response – 2/25/2009:**

***"The 8 inch PVC pipe from the Carriage House drive to the recharge trench operates with a hydraulic grade line of  $[152-148.51/80 = 0.04]$ . Using Hazen Williams Formula and a coefficient of 130 yields a capacity of 4 cubic feet per second. Based on a rainfall intensity of 4.6 inches per hour the pipe would have the capacity to carry runoff from almost an acre of impervious surface. The tributary drainage area is about a fourth of an acre."***

**Engineering Response – 3/2/2009:**

***Per our previous comment, the engineer needs to submit the pre and post drainage subcatchment maps to allow the Town and interested parties the ability to understand the drainage calculations for the site.***

- The applicant has requested that the sidewalk connection between Great Road & Brabrook Road be eliminated due to the construction of the retaining wall for Ellsworth Village Drive. The approved Ellsworth Senior Residence plans show this section of Ellsworth Village Drive to be constructed with a retaining wall and a boardwalk so that a walkway can be connected the sidewalk along the top of the wall. We do not recommend eliminating the requirement for the sidewalk connection.

**Applicant's Response – 2/25/2009:**

***"Our client believes that the construction of a sidewalk through Wetherbee Plaza will allow persons to trespass, result in substantial liabilities and will be of little value to the public. The economic cost of constructing the sidewalk as shown on the plan is less of a concern than the liability and inconvenience resulting from its presence. If constructed the sidewalk will allow persons to enter private property during all periods of the day and the owner would have no right to evict them. It is not unusual for equipment and materials to be left out in the open, on trucks or on the ground, at trade shop operations and persons trespassing could easily use the sidewalk leading to Brabrook for removal of property. The on site sidewalk will necessarily have to be maintained to decrease liability even though it is doubtful that the Town will be able to properly maintain the cross country connector from Wetherbee to the constructed portion of Brabrook. That section of the sidewalk will be located in woods and be well shaded. The Engineer IDC references a boardwalk and we acquired a copy of the plan showing the proposed boardwalk. A section of that plan is***



***shown on Figure A, enclosed. The Ellsworth Plan shows a pedestrian access through 133 Great Road from which Ellsworth Village was created. During the Board's review of the site in 2003/2004 this office suggested that an access through 133 would be more appropriate. We assume that this is the only plan showing the boardwalk and it is our opinion that the boardwalk will not be constructed to be handicap accessible or suitable for snow removal using the Town's sidewalk snow removal equipment and the sidewalk will be impassable during substantial periods of the year. Both this writer and Mr. Bertolami, as residents, question the appropriateness of the Town accepting responsibility for the maintenance of boardwalks."***

**Engineering Response – 3/2/2009:**

***We do not recommend eliminating the requirement for the sidewalk connection.***

- The engineer has shown the pedestrian connection on the site to be flush with the proposed one-way driveway and the parking area for the Carriage House. The only distinction between the parking area and the walkway is a painted line. We believe that this will increase the potential of drivers using the walkway area to drive and/or park their vehicles in a manner that will obstruct path of travel for pedestrians. The added width of the walkway for the one-way driveway would widen this access to 18 feet thus making this access more viable for 2-way traffic. We recommend that the sidewalk be separated from the access driveways and parking areas by a curb. If the walkway is to remain flush with the access driveway, we recommend sufficient signage along the walkway to alert drivers that parking and/or driving on the walkway is not allowed.

**Applicant's Response – 2/25/2009:**

***"The Zoning Bylaw does not require a sidewalk to be separated by a curb or change in grade and the sidewalk was shown to be constructed level with the driveway under SPSP #11/7/2003-393. The construction of the sidewalk at the same level as the driveway will allow it to be plowed with the driveway. A six inch high Cape Cod Berm is not a sufficient barrier to vehicles to provide a significant increase in pedestrian safety. While an 18 foot wide access is, as a practical matter viable for two way traffic, the bylaw requires a driveway width of 20 feet. Our client will place signs along the driveway to preclude parking. "***

**Engineering Response – 3/2/2009:**

***If required to construct the walkway connection on their site, the applicant has expressed that he would prefer the walkway surface be flush with the driveway, separated by a painted line and signage installed to alert drivers. The previous Site Plan dated February 6, 2004 shows a proposed curb separating the walkway from the driveways and parking areas. We recommend the curbing be required if the walkway is required.***

- The engineer has shown the 24-foot wide maneuvering aisle for the front parking area encroaching into the painted maneuvering aisle for the handicap space at the Station Master's house. The engineer should revise the painted stripes on either side of the parking area so that it does not encroach into the 24-foot maneuvering aisle. The engineer will need to be sure that this will not violate AAB standards.

**Applicant's Response – 2/25/2009:**

***"The maneuvering aisle in the vicinity of the handicap spaces exceed 24 feet in width."***

**Engineering Response – 3/2/2009:**

***The 24 foot maneuvering aisle needs to be provided without diminishing the handicap space which includes the required painted walkway/personal maneuvering area.***

- The engineer has shown stacked parking spaces in the front parking area that does not comply with the Zoning Bylaw. The total number of parking spaces shown on the site plan does not match the totals listed in the Building Parking Analysis table on the Site Plan sheet.

**Applicant's Response – 2/25/2009:**

***"Stacked parking spaces are not precluded by the Zoning Bylaw and are an extension of those shown on SPSP #11/7/2003-393."***

**Engineering Response – 3/2/2009:**

***The table should be revised to reflect the total number of parking spaces shown on the plan.***

- The engineer has shown a proposed paved driveway for the windmill next to the Carriage House. The last parking space is shown partially in front of the new driveway. The engineer should shift the parking spaces in front of the Carriage House so that the last space does not encroach in front of this driveway.

**Applicant's Response – 2/25/2009:**

***"The windmill driveway is expected to be used on a monthly basis, is not required by the Zoning Bylaw and the 8 foot wide travel lane is sufficient to allow a vehicle to pass."***

**Engineering Response – 3/2/2009:**

***It is our opinion that the pavement markings and/or the windmill driveway should be modified so that these features do not overlap one another as shown on the site plan.***

- The proposed driveway for the windmill is shown on top of the southwesterly corner of the existing septic leach field and the new one-way driveway will be constructed above the existing sewer force main. The engineer needs to make sure that they comply with any applicable local Board of Health and state Title V regulations.

**Applicant's Response – 2/25/2009:**

***"The proposed pavements will not make the subsurface sewage disposal in non conformance with Title 5 or the Acton Board of Health Regulations."***

**Engineering Response – 3/2/2009:**

***I would defer any further comments to the Health Department. The engineer has stated that the driveway over the existing septic leach field will not impact the system.***

- We checked the paved turnaround for the proposed windmill driveway. Based on our turning template for a passenger car, the vehicle will need to pull their wheels up to the edge of the pavement in the turnaround so the vehicle is overhanging the area labeled "ES" in order to properly maneuver the vehicle within the layout. The engineer will need to ensure these areas are free of any obstructions to allow vehicles to utilize these areas.

**Applicant's Response – 2/25/2009:**

***"The maneuvering area at the windmill is adequate for monthly basis service calls, which are expected to be made by personnel in a, so call, smart car."***

**Engineering Response – 3/2/2009:**

***As long as the area beyond the ends of the paved turnaround is free of obstructions, it appears that a passenger car can maneuver the proposed paved layout at the windmill.***

- There is an existing sidewalk on the opposite side of Great Road that ends on the easterly side of the access to the site. We recommend that the applicant apply to MHD for a proposed crosswalk at this location.

**Applicant's Response – 2/25/2009:**

***"MHD will not entertain a petition from a private commercial operation for a crosswalk."***

**Engineering Response – 3/2/2009:**

***The engineer has stated that MHD will consider a petition for a crosswalk at this location from a private entity. A review of our recent correspondence with MHD supports their statement.***

- The engineer needs to add a typical pavement detail to the Detail Sheet.

**Applicant's Response – 2/25/2009:**

***"A typical pavement detail will be added to the detail sheet."***

**Engineering Response – 3/2/2009:**

***The engineer has stated that they will add a detail to the plans.***

- The submittal that I received with the Site Plan seems to be missing some pages in regards to the Wetland Order of Conditions. I noted that the applicant apparently has 2 recent Order of Conditions for this site (DEP File #85-1004 & 85-1006). In my submittal, I have the first page of the Order of Conditions for DEP file #85-1006 and the remaining pages are from DEP File #85-1004.

**Applicant's Response – 2/25/2009:**

***"There are two Orders with 1004 being for the wetland improvements and 1006 being for the improvements related to the site plan."***

**Engineering Response – 3/2/2009:**

***No Comment***

- The site plan shows two water service connections for the Carriage House. One of the water service connections is shown to be connected to the Wetherbee House on the abutting property.

**Applicant's Response – 2/25/2009:**

***"The water service in the direction of the Wetherbee house is an artifact from a previous plan and will be removed."***

**Engineering Response – 3/2/2009:**

***No Further Comment***

- The water service for the Station Master's building is shown in the back of the building and extending through the created wetlands areas.

**Applicant's Response – 2/25/2009:**

***"This is the location that was reported to us and a water line can be located below a wetland."***

**Engineering Response – 3/2/2009:**  
**No Further Comment**

3. There is no Natural/Existing Conditions Site plan included with the plans sheets.

**Applicant's Response – 2/25/2009:**

***"The existing conditions are shown on the Site Plan"***

**Engineering Response – 3/2/2009:**

***The Site Plan shows a compilation of existing/proposed features for the site. Although not required under the Site Plan Rules and Regulations, a separate Natural/Existing Condition plan would allow individuals to better understand the site as it exists today without the confusion of proposed features overlaid on the plan. This existing condition plan would also serve as the basis for the pre-development subcatchment drainage map.***